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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,386	11/25/2003	William Y. Pong	D/A3414	8062
25453 7590 01/24/2007 PATENT DOCUMENTATION CENTER XEROX CORPORATION 100 CLINTON AVE., SOUTH, XEROX SQUARE, 20TH FLOOR ROCHESTER, NY 14644			EXAMINER CHARLES, MARCUS	
			ART UNIT	PAPER NUMBER
			3682	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/721,386

Applicant(s)

PONG, WILLIAM Y.

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 8,9,17-20 and 27-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-16 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first action on the merit and responsive to the submission filed 11-03-2006, which has been entered. Claims 1-32 are currently pending.

Election/Restrictions

1. Applicant's election without traverse of species 5 (fig. 4) in the reply filed on 11-03-2006 is acknowledged.

Applicant's election with traverse of species 5 (fig. 4) in the reply filed on 11-03-2006 is acknowledged. The traversal is on the ground(s) that regardless of the distinction, no extra burden is placed on the examiner. This traversal has been considered and is not found persuasive because each embodiments id different in structure and operation. Therefore a different search has to be made for each embodiments, which require more and effort. Therefore, the requirement is deemed proper and is therefore made FINAL.

Claims 8-9, 17-20 and 27-32 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim

Drawings

2. The drawings are objected to because in figure 4, the spring (21) appears to be in the wrong side of the plate (14) because it would be impossible for the spring to provide any tensioning on the belt. It appears that the direction of the movement of the plate will be drawn closer to the driven pulley (11) thus slackening the belt instead of tensioning. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required

in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: In page 2, the brief description of each embodiment is confusing because it is unclear as to which embodiments is each paragraph referring too. Therefore, in para. [006], "of embodiments" should be --of a first embodiment--; para. [007], "of embodiments" should be --of a second embodiment--; para [008], "of embodiments" should be -- of a third embodiment--; para [009], "of embodiments" should be --of a fourth embodiment-- and [para. 0010], "of embodiments" should be -- of a fifth embodiment--.

Appropriate correction is required.

Claim Objections

4. Claim 3 is objected to because of the following informalities: in line 5, "of" should be inserted subsequent to "frame". Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 1 and 2, respectively, "the motor plate" and "the driven pulley" lack antecedent basis.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7, 10-16, and 21-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutchison (1,615,544). Hutchison discloses a belt tensioner comprising a first and second pulleys (17, 15), a belt reeved over the first and second pulleys, a first biasing mechanism (19-23) tensioning the first pulley away from the second pulley in a pivoting fashion.

In claims 2 and 11, it is apparent that when the torque is applied the belt tension varies proportionally.

In claim 3 and 12, note the pulley is mounted on a drive motor (11) plate is pivotable about a pivot (12), a motor plate (not labeled) on which the motor is mounted and is attached to a frame (10) and a freely pivoting connection (12) between the motor plate and the frame.

In claims 4 and 13, note the second pulley is attached to a wheel drum (14).

In claims 5 and 14, as understood, it is apparent that the motor plate is biased away from the second pulley.

In claims 6 and 16, note the biasing mechanism comprises a spring (19) and generates a biasing moment about the pivot (12).

In claims 7 and 16, Hutchison inherently discloses the claimed invention. including the biasing mechanism is a linear force device mounted at a distance (see 24) from the pivot point.

In claim 10, Hutchison clearly discloses the claimed invention above.

In claim 21-26, Hutchison discloses the claimed invention above.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richards (604, 081, & 615, 905 and 769, 920), Kennedy (740,982), Grob (1,319,066), Brush (1,1296,927), Davis (1,282,198) Wagner (3,631,734) and Sims (3,861,657) disclose a tension with a drive pulley that pivotally biased by a spring.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-

7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Marcus Charles
Primary Examiner
Art Unit 3682
January 17, 2007